

**IN UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**CHAD HOGAN,**

**Plaintiff,**

**v.**

**CITY OF MONTGOMERY, et al.,**

**Defendants.**

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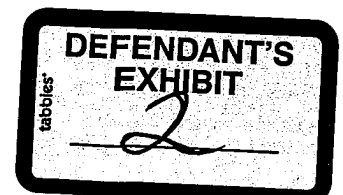
**CASE NO. 2:05-cv-687-WKW**

**AFFIDAVIT OF R. D STUART**

Before me, the undersigned authority, personally appeared R. D. Stuart, who is known to me and who, being first duly sworn, deposed on oath, and says as follows:

My name is R. D. Stuart. I am over nineteen years of age. I have been employed with the City of Montgomery for 19 ½ years. I am currently employed as the Director of Communications for City of Montgomery. It is in that capacity that I state the following:

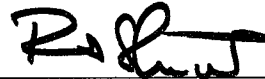
Attached to my Affidavit is the AEGIS Public Safety System Incident Report for Incident # 2005-00061977 regarding a burglary call that we received on March 30, 2005 for Arnaud's Quality Meat located at 425 N. Eastern Boulevard. The call was received at approximately 23:57:51 and 23:58:47. Patrol unit #306 and K- 9 unit #150 were dispatched to the call at 23:58:12. Officer Gordon, K-9 unit #150, was the first to arrive at 00:06:24 on March 31, 2005. A forced code 16 (open building) to side window was reported at 00:08:30. A confirmed 4B (burglary-business) was reported at 00:12:17. The incident report reflects a pursuit of a Lincoln with tag number 3B4075N that was



involved in a code 25 (accident) at 00:12:32 in which the subjects bailed from the vehicle.

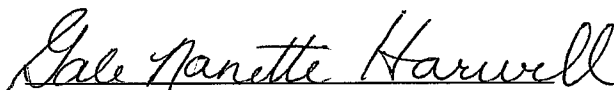
Detective Kirk Pelham, unit #428, arrived at 1:12:21. Officer Gordon, K-9 unit #150, cleared at 2:46:15.

I have read the above and foregoing affidavit consisting of two (2) pages and state that it is true and correct to my present knowledge and information.



R. D. Stuart

SWORN TO AND SUBSCRIBED before me this 11<sup>th</sup> day of July, 2006.

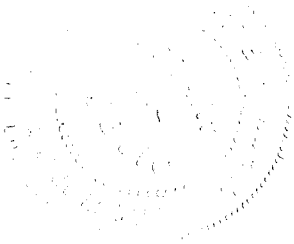


Notary Public

My commission expires

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Mar 16, 2010  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

(SEAL)



MONTGOMERY P. D. NCIC/ACJIC RETURNS

Montgomery Police Department  
 DATE 03/02/2006  
 TIME 8:54:43

AEGIS PUBLIC SAFETY SYSTEM  
 INCIDENT REPORT

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INCIDENT #: 2005-00061977 ORI #: MPD INCIDENT TYPE: 4B P 4B

LOCATION : 425 N EASTERN BLVD  
 COMMON NAME : ARNAUDS QUALITY MEAT  
 NATURE OF CALL: GEN BURG...3343968220

VENUE: Montgomery

DATE: TIME:  
 CALL : 03/30/2005 23:57:51 Wednesday  
 DISPATCH : 03/30/2005 23:58:12  
 ARRIVE 1 : 03/31/2005 0:06:24  
 DEPART 1 : 03/31/2005 2:09:38  
 CLEAR : 03/31/2005 3:47:09

AREA : Dist. 5 SECTION : Grid 0503 BEAT: Dist. 5  
 QUADRANT: 542 DISTRICT: 542 GRID:

UNIT 1 #: 306 ID # 1: CALHOUN,RODRICK,D, ID # 2:  
 UNIT 2 #: 150 ID # 3: GORDON,MARQUEDRIC,DANT ID # 4:

RECEIVED ORI/ID : MPD WRIGHT-DAVIS,BRIDGETTE,L,  
 DISPATCH ORI/ID : MPD GODFREY,JEAN,F,  
 DISPATCH SHIFT : 3rd Shift  
 SOURCE : Priv Alarm REPORT REQUIRED: YES MUTUAL AID:  
 DISPOSITION : 99 Oth Act PRIORITY : 1 CLEARED BY: QPGMR

## ORIGINAL INFORMATION:

LOCATION : 425 N EASTERN BLVD  
 INCD TYPE: 11B P 11B

PRIORITY: 1

VENUE: Montgomery

## STATUS/DISPOSITIONS:

DISPOSITION:	UNIT:	DATE:	TIME:	ID # 1: / ID # 2:
99 Oth Act	321	03/31/2005	34:51	FIKE, THEODORE, R,
66 Ast Unt	325	03/31/2005	36:17	GRACIE, LARRY, PAUL,
66 Ast Unt	144	03/31/2005	54:00	MARA, MATTHEW, GEORGE,
99 Oth Act	140	03/31/2005	54:03	CAULFIELD, WILLIAM, WADE,
99 Oth Act	151	03/31/2005	1:00:28	GRAY, JASON, SCOTT,
99 Oth Act	335	03/31/2005	1:03:54	ROBERTS, THOMAS, EDWARD,
99 Oth Act	140	03/31/2005	1:04:03	CAULFIELD, WILLIAM, WADE,
99 Oth Act	322	03/31/2005	1:06:03	BOZEMAN, REGINA, CASSANDRA,
99 Oth Act	428	03/31/2005	1:12:28	PELHAM, LEONARD, K,
99 Oth Act	305	03/31/2005	1:19:18	FORBUS, CURTIS, H,
99 Oth Act	326	03/31/2005	1:24:55	WILHOIT, RONALD, ALVIN,
99 Oth Act	320	03/31/2005	1:42:04	BROSIUS, JASON, L,
99 Oth Act	322	03/31/2005	2:18:03	BOZEMAN, REGINA, CASSANDRA,
52 Arrest	304	03/31/2005	2:40:31	FITZPATRICK, NORRIS, BERNARD, DUNN, JOSEPH, SCOTT,
52 Arrest	150	03/31/2005	2:46:15	GORDON, MARQUEDRIC, DANTAE,
99 Oth Act	306	03/31/2005	3:47:09	CALHOUN, RODRICK, D,

## ADDITIONAL INFORMATION:

OPER 397 CENTRAL STATION 8008435154

RADIO LOG:

# MONTGOMERY P. D. NCIC/ACJIC RETURNS

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UNIT:	TYPE:	STATUS:	DISPATCH:	ARRIVE:	CLEAR:	ID # 1:
306	3RD	Dispatch	23:58:12			
150	K-9	Dispatch	23:58:47			
150	K-9	Arrive		0:06:24		
325	3RD	Dispatch	0:09:41			GRACIE, LARRY, PAUL,
305	3RD	Dispatch	0:09:55			FORBUS, CURTIS, H,
144	K-9	Arrive		0:14:21		MARA, MATTHEW, GEORGE
306	3RD	Arrive		0:14:45		
321	3RD	Arrive		0:15:20		
322	3RD	Dispatch	0:15:39			FIKE, THEODORE, R,
320	3RD	Arrive		0:19:47		BOZEMAN, REGINA, CASS
304	3RD	Arrive		0:20:01		BROSIUS, JASON, L,
305	3RD	Arrive		0:21:47		
322	3RD	Arrive		0:21:53		FORBUS, CURTIS, H,
325	3RD	Arrive		0:21:57		BOZEMAN, REGINA, CASS
326	3RD	Arrive		0:22:01		GRACIE, LARRY, PAUL,
140	K-9	Arrive		0:22:09		
335	3RD	Dispatch	0:28:32			ROBERTS, THOMAS, EDWA
428	PRP	Dispatch	0:29:09			PELHAM, LEONARD, K,
321	3RD	Clear Unit			0:34:51	FIKE, THEODORE, R,
325	3RD	Clear Unit			0:36:17	GRACIE, LARRY, PAUL,
304	3RD	1016or1011		0:37:44		
	SEC. LOC.:	A15MPD				
320	3RD	1016or1011		0:37:54		BROSIUS, JASON, L,
	SEC. LOC.:	A15MPD				
320	3RD	Arrive		0:43:36		BROSIUS, JASON, L,
	SEC. LOC.:	A15MPD				
304	3RD	Arrive		0:45:26		
	SEC. LOC.:	A15MPD				
151	K-9	Dispatch	0:51:44			
144	K-9	Clear Unit			0:54:00	MARA, MATTHEW, GEORGE
140	K-9	Clear Unit			0:54:03	
140	K-9	Arrive		0:54:17		
151	K-9	Clear Unit			1:00:28	
335	3RD	Clear Unit			1:03:54	ROBERTS, THOMAS, EDWA
305	3RD	1016or1011		1:03:57		FORBUS, CURTIS, H,
	SEC. LOC.:	HQ				
140	K-9	Clear Unit			1:04:03	
322	3RD	Clear Unit			1:06:03	BOZEMAN, REGINA, CASS
428	PRP	Arrive		1:12:21		PELHAM, LEONARD, K,
428	PRP	Clear Unit			1:12:28	PELHAM, LEONARD, K,
322	3RD	Dispatch	1:12:55			BOZEMAN, REGINA, CASS
306	3RD	1016or1011		1:14:24		
	SEC. LOC.:	HQ				
305	3RD	Arrive		1:15:58		FORBUS, CURTIS, H,
	SEC. LOC.:	HQ				
322	3RD	Arrive		1:18:57		BOZEMAN, REGINA, CASS
305	3RD	Clear Unit			1:19:18	FORBUS, CURTIS, H,
306	3RD	Arrive		1:21:10		
	SEC. LOC.:	HQ				
150	K-9	1016or1011		1:22:37		
	SEC. LOC.:	HQ				
326	3RD	Clear Unit			1:24:55	
150	K-9	Arrive		1:27:01		
	SEC. LOC.:	HQ				

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#####	Wrecker	1:28:11		
320	3RD Clear Unit		1:42:04	BROSIUS, JASON, L,
322	3RD 1016or1011	2:09:38		BOZEMAN, REGINA, CASS
	SEC. LOC.: HQ			
322	3RD Arrive	2:13:20		BOZEMAN, REGINA, CASS
	SEC. LOC.: HQ			
322	3RD Clear Unit		2:18:03	BOZEMAN, REGINA, CASS
304	3RD Clear Unit		2:40:31	
150	K-9 Clear Unit		2:46:15	
306	3RD Clear Unit		3:47:09	

## DOCUMENTS:

### Dispatch Narrative

Information on the units assigned to the call follows.

Unit#:	#####	Radio#:	000	Ofcr 1:		Ofcr 2:	
DSP:	:	ARV:	:	CLR:	:	:	:
Unit#:	306	Radio#:	000	Ofcr 1:	1294	Ofcr 2:	1294
DSP:	03/30/05 23:58	ARV:	03/31/05 00:14	CLR:	03/31/05 03:47		
Unit#:	150	Radio#:	000	Ofcr 1:	1309	Ofcr 2:	1309
DSP:	03/30/05 23:58	ARV:	03/31/05 00:06	CLR:	03/31/05 02:46		
Unit#:	325	Radio#:	000	Ofcr 1:	237	Ofcr 2:	237
DSP:	03/31/05 00:09	ARV:	03/31/05 00:21	CLR:	03/31/05 00:36		
Unit#:	305	Radio#:	000	Ofcr 1:	1337	Ofcr 2:	1337
DSP:	03/31/05 00:09	ARV:	03/31/05 00:21	CLR:	03/31/05 01:19		
Unit#:	144	Radio#:	000	Ofcr 1:	170	Ofcr 2:	170
DSP:	:	ARV:	03/31/05 00:14	CLR:	03/31/05 00:54		
Unit#:	321	Radio#:	000	Ofcr 1:	1439	Ofcr 2:	1439
DSP:	:	ARV:	03/31/05 00:15	CLR:	03/31/05 00:34		
Unit#:	322	Radio#:	000	Ofcr 1:	1265	Ofcr 2:	1265
DSP:	03/31/05 00:15	ARV:	03/31/05 00:21	CLR:	03/31/05 02:18		
Unit#:	320	Radio#:	000	Ofcr 1:	1424	Ofcr 2:	1424
DSP:	:	ARV:	03/31/05 00:19	CLR:	03/31/05 01:42		
Unit#:	304	Radio#:	000	Ofcr 1:	902	Ofcr 2:	1616
DSP:	:	ARV:	03/31/05 00:20	CLR:	03/31/05 02:40		
Unit#:	326	Radio#:	000	Ofcr 1:	397	Ofcr 2:	397
DSP:	:	ARV:	03/31/05 00:22	CLR:	03/31/05 01:24		
Unit#:	140	Radio#:	000	Ofcr 1:	204	Ofcr 2:	204
DSP:	:	ARV:	03/31/05 00:22	CLR:	03/31/05 01:04		
Unit#:	335	Radio#:	000	Ofcr 1:	922	Ofcr 2:	922
DSP:	03/31/05 00:28	ARV:	:	CLR:	03/31/05 01:03		
Unit#:	428	Radio#:	000	Ofcr 1:	1391	Ofcr 2:	1391
DSP:	03/31/05 00:29	ARV:	03/31/05 01:12	CLR:	03/31/05 01:12		
Unit#:	151	Radio#:	000	Ofcr 1:	1085	Ofcr 2:	1085
DSP:	03/31/05 00:51	ARV:	:	CLR:	03/31/05 01:00		

FORCED CODE 16 TO SIDE WINDOW	0:08:30
3B4075N LINCOLN HEADED TWDS WARES FERRY	0:08:51
VEH HEADED WEST ON WARES FERRY PASSING SADDLEWOOD	0:09:35
PASSING DONOVAN ON WARES FERRY	0:10:22
WARES FERRY PASSING CALDWELL	0:10:46
ON DALRAIDA	0:11:10
APPROACHING GUNTER ABOUT TO MAKE LEFT ON PELZER	0:11:34
LEFT ON PELZER SPEED 45 NO TRAFFIC	0:11:53
PASSING HILLTOP SPEED 50 NO TRAFFIC	0:12:08
CONFIRMED 4B	0:12:17
25 INTO BACK YARD SUBJS BAILED	0:12:32

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RUNNING TWDS THE DITCH LINE TWD	0:12:45
320 WAREINGWOOD ATLANTA HWY	0:13:01
5 SUBJS ON FOOT	0:13:16
144 SUBJS STILL RUNNING DOWN THE DITCH LINE	0:13:57
SUBJS RUNNING TWDS ATLANTA HWY	0:14:29
SUBJS POSS IN THE APT COMPLEX	0:15:09
322 TO WAREINGWOOD	0:15:47
304 WAREINGWOOD	0:16:00
K9 ON THE GROUND IN THE DITCH AREA	0:17:23
304 ONE BEHIND THE APT COMPLEX	0:18:12
326 ONE IN CUSTODY BEHIND THE APT COMPLEX	0:19:07
320,322 ATLANTA HWY AND COLISEUM	0:19:58
326 POSS TWO MORE SUBJS LOOSE	0:21:00
SECOND SUBJ IN CUSTODY	0:21:26
ONE SUBJ STILL LOOSE	0:21:30
321 ENROUTE TO THE SCENCE	0:22:38
OFFICERS ENTERING	0:25:10
ALARM COMPANY ADVISE THEY ARE UNABLE TO GET IN TOUCH	0:28:40
WITH THE ON CALL KEY HOLDER...	0:28:48
PX WILL BE 334 399 9811 TONY OR CINDY	0:29:08
OFFICERS CLR	0:29:18
DSK PXED THE CP AND ADVISE HE LIVES NEXT	0:30:10
DOOR AND ETA ANY MIN..ORANGE TOP AND GRN SHORTS	0:30:27
IN A GRN JEEP	0:30:34
WARRINGWOOD/PEZER A44ORDERED	0:45:28
K9 OFF THE GROUND	0:45:58
PXED A JOE LAMBERT IN REF TO A 1990 LINCOLN TOWNCAR BLU IN	1:07:40
COLOR....GOT NO ANSWER,,,,,LEFT A MESSAGE	1:07:55
Impounded vehicle number: 200500000820	
Wrecker selected from IMPOUND WALDRIPS WRE	1:28:11
CAD System Narrative	
JG1232D CHANGED INCIDENT TYPE FROM 11B P	1:03:19